

Appl. No. 10/807,722

Amendment and Response to Office Action dated July 17, 2006

RECEIVED
CENTRAL FAX CENTER
OCT 17 2006**REMARKS**

Claims 2, 4, 5, and 10-20 are pending in the application. The foregoing amendment amends Claims 2, 5, 10, 11, 12, and 13 and adds new Claims 16-20.

Claims 12 and 13 are Definite

The Examiner rejected Claims 12 and 13 under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 12 has been amended so that it only depends from Claim 10. Claim 10 recites "a space" and provides an antecedent basis for "the space" recited by Claim 12. Claim 13 has been amended to recite "a caulking direction" rather than "the caulking direction." Thus, it is submitted that Claims 12 and 13 are definite.

Hausmann Does Not Describe, Teach or Suggest the Invention of Claims 11-13

The Examiner rejected Claims 11-13 under 35 U.S.C. § 102(b) as anticipated by, or in the alternative under 35 U.S.C. § 103(a) as obvious over, U.S. Pat. No. 5,297,624 to Hausmann et al. ("Hausmann"). In particular, the Examiner relied upon Figures 1 and 11 of Hausmann in rejecting Claims 11-13. Hausmann describes a header formed from two components 4 and 6. The Examiner equated component 6 with the second separated body recited by Claim 11 and component 4 with the first separated body recited by Claim 11. As shown in Figures 1 and 1a, component 4 includes side walls 22, which include holding flaps 38. The holding flaps 38 form an overhang over the ends of component 6. *See also* Column 7, lines 34-45. Figure 11 also illustrates that the holding flaps extend over the ends of component 6.

The foregoing amendment amends Claim 11 to clarify that the leading end surfaces of the straight portions of the first separated body do not exceed the main body portion of the second separated body in the longitudinal direction of the tube. Hausmann does not describe this element of Claim 11 since Hausmann describes that the holding flaps of component 4 extend over the ends of component 6.

Appl. No. 10/807,722

Amendment and Response to Office Action dated July 17, 2006

RECEIVED
CENTRAL FAX CENTER
OCT 17 2006

Claims 12, 13, and 16-20

Claims 12, 13 and 16-20 depend from Claim 11 and are distinguishable from Haussmann for at least the same reasons as Claim 11.

Claim 16 recites that the tube holding wall portion of the first separated body is formed in a flat shape which is orthogonal to a longitudinal direction of the tube. Both Haussmann and Calleson illustrate a curved wall holding the tubes and thus, neither reference describes this element of Claim 16.

Claim 19 recites that the main body portion of the second separated body has an approximately linear-shaped surface opposite to an inner peripheral surface of the main body portion, the approximately linear-shaped surface being substantially entirely a single flat face. Haussmann describes that component 6 is curved (*see e.g.* Figure 1) and Calleson describes a tank 120 with a "partially curved upper portion 122". Column 4, lines 40-41. The partially curved upper portion has a central longitudinal ridge 190. *See e.g.* Figure 8 and Column 6, lines 3-8. Only the ridge portion of the outer wall 132 of the tank 120 is flat. The remaining portions are curved. Neither reference describes a surface of the second separated body being substantially entirely a single flat face, as required by Claim 19.

Claim 20 depends from Claim 19 and recites that the approximately linear-shaped surface and the inner peripheral surface of the main body portion, in combination, define a thickness of the main body portion in the direction orthogonal to the longitudinal direction of the tube in such a manner that the main body portion is thicker toward each of the pair of the joint projections and thinner toward a center of the main body portion. Figure 8 of Calleson illustrates that the thickness of the upper portion of the tank along the curved sections is essentially constant. Thus, neither reference describes this element of Claim 20.

Allowable Subject Matter

Claims 4, 5 and 10

The Examiner indicated that Claims 4, 5, and 10 are allowed. The foregoing amendment corrects certain typographical errors in Claims 5 and 10.

Appl. No. 10/807,722

Amendment and Response to Office Action dated July 17, 2006

RECEIVED
CENTRAL FAX CENTER

OCT 17 2006

Claims 2, 12 and 13

The foregoing amendment amends Claims 2, 12 and 13 to depend solely from Claim 10. Since the Examiner has indicated that Claim 10 is allowable, Claims 2, 12 and 13 are also allowable for at least the same reasons as Claim 10.

Conclusion

In light of the foregoing, it is respectfully submitted that the pending claims are allowable and a notice of allowance is respectfully requested. If there are any issues that can be resolved via a telephone conference, the Examiner is invited to contact Brenda Holmes at 404.685.6799.

Respectfully submitted,



Brenda O. Holmes
Reg. No. 40,339

Kilpatrick Stockton LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309
(404) 815-6500
KS File: 44471/298741